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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/810,834 03/04/97 DELSALLE

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EXAMINER

A3M1/0623

RHODES COATS & BENNETT
909 GLENWOOD AVENUE
P O BOX 5
RALEIGH NC 27602

MYSE-T
ART UNIT PAPER NUMBER

1308
DATE MAILED:

06/23/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) 20-23 is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☒ Claim(s) 18, 19 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-17 are rejected under 35 U.S.C. § 103 as being unpatentable over von Hagel et al. '195. It would have been obvious to modify the process of von Hagel et al. '195 to eliminate the separator plates 20 and their corresponding function, since this has not been shown to be a result-effective modification, and also would have been obvious to further modify the resulting process to include the claimed mirror rate, since this has not been shown to be a result-effective variable. As to claims 7-10 and 14, it would have been obvious to modify the

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process of von Hagel et al. '195 to include the claimed parameters for sand particle size and speed gradients, since these have not been shown to be result-effective variables. As to claims 16 and 17, it would have been obvious to modify the sedimentation zone of von Hagel et al. '195 to circular shape, since this has not been shown to be a result-effective modification.

3. Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 20-22 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas G. Wyse, whose telephone number is (703) 308-3841. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman, can be reached on (703) 308-3837.

The fax phone number for Group 1300 is (703) 305-3602. When filing a response by fax, please indicate in the cover page header "OFFICIAL" for papers that are to be entered into the application file, or "UNOFFICIAL" for draft documents and other communications with the Office that are not intended for entry into the application file. This will expedite processing of your faxes.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1300 receptionist, whose telephone number is (703) 308-0651.



THOMAS G. WYSE
SENIOR EXAMINER
ART UNIT 1308

TGWyse:tgw
June 22, 1997